

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 15688 of 2007(P)

PETITIONER:

**M.K.CHANDRAN, 57 YEARS,
S/O.KRISHNAN NAIR, "DHANYA NIVAS",
PERUVARAM,NORTH PARAVUR P.O.,
ERNAKULAM DIST.**

BY ADV. SRI.S.SUGATHAN

RESPONDENTS:

- 1. THE KSRTC, REPRESENTED BY ITS
MANAGING DIRECTOR, TRANSPORT BHAVAN,
FORT P.O., THIRUVANANTHAPURAM.**
- 2. THE ASST.TRANSPORT OFFICER,
KSRTC, NORTH PARAVUR,
N.PARAVUR P.O., ERNAKULAM DIST.**

BY SHRI JOHNSON P. JOHN, SC, KSRTC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K. M. JOSEPH, J.

W.P.C. NO. 15688 OF 2007 P

Dated this the 29th May, 2007

JUDGMENT

Petitioner retired on 30.11.2004. His complaint is that he is not being paid the pensionary benefits. The matter is governed by a decision of the Division Bench as per which the amounts are to be paid in terms of seniority. Case of the respondent Corporation is that persons retired upto 31.3.2003 have paid their pensionary benefits. However, petitioner has a case that he has two daughters and the marriage of the elder daughter was conducted in 2002 by utilising the advance from the Provident Fund and by a loan of Rs.1.5 Lakhs from his brother-in-law employed in Sharja. It is submitted that his second daughter is a Graduate in Electrical and Communication Engineering and her marriage has been fixed to be solemnised on 30.8.2007. Exts.P3 and P4 are produced in this regard. In such circumstances, I feel that the petitioner has made out a case for deviation from the principle of seniority and I feel that the

petitioner should be paid at least a portion of the pensionary benefits in deviation from seniority. Having heard the learned standing counsel for the Corporation also, the Writ Petition is disposed of as follows:

There will be a direction to the first respondent to disburse to the petitioner either the amount of DCRG or the Commuted Value of pension whichever is higher, within a period of three weeks from the date of receipt of a copy of this Judgment. The balance amount remaining to be paid, shall be paid in according with the seniority.

K. M. JOSEPH, JUDGE

kbk.